

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 6, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-29221 - APPLICANT/OWNER: ANNE AND KENNY WONG**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for Rezoning from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.10 acres at 1413 South Eastern Avenue. An associated request for a Site Development Plan Review for the conversion of an existing 1,038 square-foot residence into an office with Waivers of the perimeter landscape buffer standards to allow buffers of one-foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one-foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required has also been submitted. The proposed zoning district is consistent with the existing O (Office) General Plan designation, is compatible with the surrounding zoning districts and land uses, and will provide a buffer between Eastern Avenue and the residential properties to the east; therefore, staff is recommending approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/21/05	A Code Enforcement citation (#29080) was issued at 1413 South Eastern Avenue for performing building and plumbing improvement without a building permit or a licensed contractor. The case was resolved 11/08/05.
04/22/05	A Code Enforcement citation (#29119) was issued at 1413 South Eastern Avenue for high weeds and grass. The case was resolved 05/05/05.
06/07/06	The City Council approved a Rezoning (ZON-12130) from R-1 (Single Family Residential) to P-R (Professional Offices and Parking) on 0.10 acres at 1413 South Eastern Avenue. The Planning Commission and staff recommended approval of this request. The Rezoning was never exercised, and expired on 06/07/08.
08/10/06	A Code Enforcement citation (#44957) was issued at 1413 South Eastern Avenue for graffiti, high weeds and debris. The case was resolved 08/28/06.
04/20/07	A Code Enforcement citation (#52368) was issued at 1413 South Eastern Avenue for graffiti on the side of the building. The case was resolved 05/03/07.
12/24/07	A Code Enforcement citation (#60784) was issued at 1413 South Eastern Avenue for someone living/sleeping inside a commercial business and onsite graffiti. The case was resolved 01/07/08.
03/26/08	A Code Enforcement citation (#63851) was issued at 1413 South Eastern Avenue for signage code violations, including non-permitted banners wrapped around multiple faces of the building. The case was resolved 05/27/08.

06/13/08	A Code Enforcement citation (#66565) was issued at 1413 South Eastern for running a business from an R-1 (Single Family Residential) zoned property. The business was given 30 days to cease and vacate the premises. The case was resolved 07/10/08.
04/09/09	The Planning Commission recommended denial of companion item sdr-29281 concurrently with this application.  The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #35/sg).

<b><i>Related Building Permits/Business Licenses</i></b>	
12/29/06	A business license applications was submitted for an Astrologer (#A12-99881) at 1413 South Eastern Avenue. A license was not issued, and the application was marked out on 11/29/08.
01/11/07	A business license applications was submitted for a Psychic Arts business (#A24-99882) at 1413 South Eastern Avenue. A license was not issued, and the application was marked out on 02/23/09.
05/12/07	A business license application (#M18-93261) for a Land Marketing company was received. The application was denied pending approval of a Site Development Plan Review for the site; it was marked out on 06/30/08.

<b><i>Pre-Application Meeting</i></b>	
07/10/08	A pre-application meeting was held to discuss the application submittal requirements for a Rezoning and Site Development Plan Review.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was neither required nor held for this application request.	
<b><i>Field Check</i></b>	
03/05/09	A field check was conducted by staff. The site has a vacant building with graffiti on it, and landscape areas were overgrown with weeds. Discrepancies were noted between actual site conditions and the plans submitted by the applicant.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.10 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-Family Residence	O (Office)	R-1 (Single Family Residential)
North	Office	O (Office)	P-R (Professional Office and Parking)
South	Office	O (Office)	P-R (Professional Office and Parking)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Office	O (Office)	P-R (Professional Office and Parking)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	4,732 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20	5 Feet	Y*
• Side	5	6 Feet	Y
• Corner	15	N/A	N/A
• Rear	15	45 Feet	Y
Max. Lot Coverage	50%	22%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	1 Story / 12 Feet	Y

*\*A portion of the original lot area was taken for the widening of Eastern Avenue, resulting in a lot with a front yard setback of approximately 5 feet. Per Title 19.08.030(G), "No action by the City in connection with the acquisition or use of right-of-way or the installation of off-site improvements shall have the effect of rendering a previously conforming lot or structure non-conforming as to lot width, lot area, or setback requirements"; therefore, the existing lot and structure are legally conforming for the front yard setback.*

## ANALYSIS

This is a request for Rezoning from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.10 acres at 1413 South Eastern Avenue. An associated request for a Site Development Plan Review for the conversion of an existing 1,038 square-foot residence into an office with Waivers of the perimeter landscape buffer standards to allow buffers of one foot along the west perimeter where 15 feet is required; zero feet along the east perimeter where eight feet is required; one foot along the north perimeter where five feet is required; and zero feet along the south perimeter where five feet is required has also been submitted. A previous Rezoning (ZON-12130) to P-R (Professional Office and Parking) was approved for the site on

06/07/06, but a Site Development Plan Review to convert the property to a commercial use was never completed as required by Condition of Approval number two, and the Resolution of Intent expired on 06/07/08 because it was not exercised. The proposed zoning district is consistent with the existing O (Office) General Plan designation, is compatible with the surrounding zoning districts and land uses, and will provide a buffer between Eastern Avenue and the residential properties to the east; therefore, staff is recommending approval of this request.

- **General Plan and Zoning**

The subject site has an existing General Plan designation of O (Office), which provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices, as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

The subject site is currently zoned R-1 (Single Family Residential). The proposed P-R (Professional Office and Parking) district is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the O (Office) category of the General Plan.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**

The proposed P-R (Professional Office and Parking) district is consistent with the existing O (Office) General Plan designation.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The uses that are allowed by the proposed P-R (Professional Office and Parking) district, including professional and administrative offices, are compatible with the surrounding land uses and zoning districts, and will provide a transitional zone from the Eastern Avenue office corridor to the residential properties to the east.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The request for Rezoning is appropriate as Eastern Avenue is a 100-foot Primary Arterial, with most of the residential properties along the corridor having been converted for office use. The proposed P-R (Professional Office and Parking) district will act as a transitional zone between the busy arterial corridor and existing residential properties to the east.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site is accessed by an existing driveway to Eastern Avenue, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will be adequate in size to meet the requirements of the proposed P-R (Professional Office and Parking) district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 12

**SENATE DISTRICT** 10

**NOTICES MAILED** 423 by City Clerk

**APPROVALS** 0

**PROTESTS** 1